



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 5687-00
7 February 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 February 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 28 September 1983 at age 23. The record shows that during 1984 you received nonjudicial punishment on two occasions for two periods of unauthorized absence totaling about 29 days.

A special court-martial convened on 7 January 1987 and convicted you of two periods of unauthorized absence totaling about 368 days. The court sentenced you to reduction to pay grade E-1, forfeitures of \$438 pay per month for four months, confinement at hard labor for 100 days, and a bad conduct discharge. Subsequently, the confinement in excess of 60 days was suspended for a probationary period of 12 months. You began appellate leave on 22 January 1987 and remained in that status until the bad conduct discharge was issued on 26 January 1988.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention, in effect, that you were improperly punished because of unspecified illegal orders and destruction of official records. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your

conviction by court-martial of two lengthy periods of unauthorized absence. There is no evidence in the record, and you have submitted none, concerning illegal orders or destruction of records. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director